

DOWD, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                         |   |                               |
|-------------------------|---|-------------------------------|
| Robert Russo,           | ) |                               |
|                         | ) | CASE NO. 5:12 CV 2879         |
| Plaintiff,              | ) |                               |
|                         | ) |                               |
| v.                      | ) | <u>MEMORANDUM OPINION AND</u> |
|                         | ) | <u>ORDER</u>                  |
| Dental Express, et al., | ) |                               |
|                         | ) |                               |
| Defendants.             | ) |                               |
|                         | ) |                               |

The Court referred this case to Magistrate Judge Kathleen Burke for general pretrial supervision. While under Magistrate Judge Burke's supervision, this case was settled.

Thereafter, the parties filed a proposed stipulation of dismissal with prejudice. ECF 18.

Magistrate Judge Burke has recommended that the Court approve the stipulation and dismiss the case with prejudice. ECF 19.

Under the relevant statute:

[T] magistrate judge shall file [her] proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties.

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

(5:12 CV 2879)

No objections have been filed to Magistrate Judge Burke's report and recommendation. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's Report and Recommendation and adopts the same. Accordingly, the parties' stipulated dismissal will be approved.

IT IS SO ORDERED.

April 18, 2013  
Date

s/ David D. Dowd, Jr.  
David D. Dowd, Jr.  
U.S. District Judge